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Letter dated 30 December 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the fourth supplementary agreement to the Ouagadougou Political Agreement and the press release issued by the facilitation concerning the supplementary agreement signed by the Ivorian parties on 22 December 2008 (see annexes).

I would appreciate it if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Michel **Kafando**
Ambassador
Permanent Representative

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Annex I to the letter dated 30 December 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

[Original: French]
December 2008

Direct dialogue

Fourth supplementary agreement to the Ouagadougou Political Agreement

Preamble

The Parties to the Ouagadougou Political Agreement,

Recalling that the Ouagadougou Political Agreement was endorsed by the Economic Community of West African States, the African Union and the United Nations,

Aware of the need to complete successfully the peace process initiated by the Ouagadougou Political Agreement and previous agreements,

Determined fully to meet the commitments made under the Ouagadougou Political Agreement of 4 March 2007 and the supplementary agreements thereto and to bring about the reunification of the country in order to establish favourable conditions for the elections,

Seeking to ensure free, transparent, fair and democratic elections in the Republic of Côte d'Ivoire as a sign of true national reconciliation and lasting peace,

Desiring to restore Côte d'Ivoire to its place in the West African subregion and in the community of nations,

Recognizing the arbitration role assigned to the Facilitator by the Ouagadougou Political Agreement and United Nations Security Council resolution 1765 (2007),

Following consultations held under the auspices of His Excellency Mr. Blaise Compaoré, President of Burkina Faso and Facilitator of the inter-Ivorian direct dialogue, from 15 to 16 September 2008 and from 13 to 14 October 2008,

Have agreed as follows:

Chapter I: Identification and the electoral process

Article 1

The two Parties undertake to do their utmost to ensure that the identification exercise is a success and that the presidential and legislative elections are conducted under optimum conditions.

Chapter II: Defence and security forces

Article 2

The two Parties agree that the legislation relating to the new national army shall be drafted and signed no later than one month from the date of signature of this supplementary agreement. The new national army shall be established no later than one month from the inauguration of the new President of the Republic.

Pending the establishment of the new national army, the Integrated Command Centre (CCI) shall continue its activities in accordance with paragraphs 3.1.1, 3.1.2 and 3.1.3 of the Ouagadougou Political Agreement.

Article 3

In order to create a favourable environment for the successful holding of elections, the two Parties have agreed to reinitiate, without delay and under the leadership of the CCI and the supervision of the impartial forces, the disarmament and the stockpiling of weapons of the two former belligerent armies, as well as the demobilization of ex-combatants of the Forces nouvelles. In any event, these operations must be completed no later than two months prior to the date set for the presidential election.

The weapons collected shall be stockpiled by the CCI under the supervision of the impartial forces.

The Forces nouvelles shall immediately transmit to the Facilitator, for the CCI, the list of the 3,400 individuals proposed for assignment to security tasks in order to ensure their deployment, as soon as possible, alongside the National Police and the National Gendarmerie, under the command of the CCI. At the end of the crisis recovery process, they may apply to take the competitive examinations for recruitment to the National Police and National Gendarmerie on the basis of the national recruitment criteria. The State budget shall cover their expenses.

The Forces nouvelles should also transmit to the Facilitator, for the CCI, the list of the 600 individuals who, under the Pretoria Agreement, will be deployed immediately alongside the National Police and the National Gendarmerie under the command of the CCI. At the end of the crisis recovery process, they shall be incorporated into the National Police and the National Gendarmerie. The State budget shall cover their expenses.

Article 4

In order to expedite the demobilization of Forces nouvelles ex-combatants, the Parties invite the Government to pay demobilized ex-combatants a bonus or direct demobilization grant of five hundred thousand (500,000) CFA francs as a one-time lump sum. In any event, the demobilization of the ex-combatants of the armed forces of the Forces nouvelles (FAFN) must be completed no later than two months prior to the date set for the presidential election.

Article 5

With regard to the disbanding of militias, the two Parties agree to begin their disarmament and demobilization, as well as the stockpiling of their weapons, under

the authority of the CCI and under the supervision of the impartial forces, concurrently with the demobilization of FAFN ex-combatants. In any event, the disbanding of militias must be completed no later than two months prior to the date set for the presidential election.

The weapons collected shall be stockpiled by the CCI under the supervision of the impartial forces.

In order to expedite the disbanding of militias, the Parties invite the Government to pay demobilized militia members a bonus or direct demobilization grant of five hundred thousand (500,000) CFA francs as a one-time lump sum.

Article 6

The two Parties have decided to resolve definitively the issue of quotas for the incorporation of FAFN members into the new national army based on the proposals contained in the 5 January 2008 arbitration by the Facilitator:

- The Forces nouvelles shall first identify and prepare a description of their disarmed ex-combatants and shall transmit the final list to the Facilitator;
- The Forces nouvelles shall then submit to the Government a list of 5,000 eligible ex-combatants for incorporation into the new national army;
- The Government shall settle the issue of the 5,000 ex-combatants of the Forces nouvelles and shall take the appropriate decisions regarding their incorporation into the new national army within a maximum of two years;
- Pending their incorporation into the new national army, the FAFN ex-combatants shall be brought together, under the command of the Chief of the Forces nouvelles and supported by the impartial forces, for joint basic training in one military camp in each of the cities of Bouaké, Korhogo, Man and Séguéla. Their expenses shall be paid by the Government.

Article 7

The two Parties have decided to resolve the issue of the ranks of FAFN soldiers who are former members of the Defence and Security Forces (FDS) as follows:

- The two general officers of the Forces nouvelles shall be assigned the rank of brigadier general by presidential decree as from the date of adoption of the Amnesty Law of 12 April 2007;
- Commissioned officers, non-commissioned officers and other listed personnel who were retired at the outbreak of the crisis shall continue to receive a pension, provided that they produce the necessary documentation. Those who reached the age limit for their rank between the beginning of the crisis and now shall be eligible to retire, following the process of rank harmonization;
- Commissioned officers, non-commissioned officers and other enlisted personnel who were members of the FDS and are still considered active staff shall have their career paths restored, based on the principle of rank harmonization with their FDS equivalents; shall receive their pay arrears; and shall be incorporated into the new national army as from the date of adoption of the Amnesty Law of 12 April 2007. Those who wish to retire or to work for

other Government institutions in positions equivalent to the ranks to which they have been promoted may do so;

- Non-commissioned officers and other enlisted personnel who have been promoted to the rank of commissioned officer shall maintain their ranks on an operational basis and shall become eligible for retirement once the crisis recovery process is completed. An ordinance to that effect, attached in the annex hereto, shall be issued by the President of the Republic and shall specify the conditions of that appointment and the modalities for retirement;

- The soldiers recruited under class 2001/1A for training and incorporation into the army who are currently in the FAFN ranks shall be hired by the FDS under the Amnesty Law of 12 April 2007 and incorporated into the new national army.

Chapter III: Restoration of the authority of the State and redeployment of the administration throughout the national territory

Article 8

Recognizing that the country's failure to achieve reunification and the delay in bringing about institutional and political normalization constitute serious obstacles to the holding of fair, transparent and democratic elections, the two Parties agree that:

- Civil servants shall be assigned to the Centre-North-West (CNO) zone by their respective ministries and shall assume their duties no later than 15 January 2009;

- Lower court and appeals court judges assigned to the CNO zone shall assume their duties no later than 15 January 2009. Their staff shall be appointed by the supervising ministry and shall begin work no later than 15 January 2009.

- In order to facilitate the reopening of the courts in the CNO zone and to ensure security throughout the electoral process, the two Parties agree that the FDS and the FAFN shall make National Police and National Gendarmerie officers, including criminal investigation officers, available to the CCI in accordance with article 5 of the third supplementary agreement of 28 November 2007;

- The regional and departmental chiefs and the deputy chiefs assigned to the CNO zone shall assume their full authority no later than 15 January 2009. To that end, a ceremony for the transfer of responsibility shall be organized with the zone and sector commanders.

Article 9

Redeployment of the tax and customs administration throughout the national territory, and particularly in the CNO zone, shall begin immediately following the signature of this Agreement, under the supervision of the Facilitator's Special Representative.

[a] Not transmitted to the Secretariat.

The impartial forces shall help ensure the security of the administration staff thus deployed.

Chapter IV: Financing of the crisis recovery process

Article 10

Aware that financing the crisis recovery process is primarily the responsibility of the Ivorians themselves, the two Parties have decided to implement immediately the redeployment of the tax and customs administration in the CNO zone on the basis of a single exchequer in order to give the Government access to the tax revenue which is not currently being collected and which could finance some elements of the peace process. The single exchequer must be established no later than 15 January 2009.

Article 11

The Government shall provide the financial resources necessary to implement the activities envisaged in the third supplementary agreement.

Article 12

The two Parties have agreed to seek assistance from Côte d'Ivoire's technical and financial partners with a view to the rapid disbursement of the various contributions pledged at the meetings of the evaluation and monitoring committee and at donor coordination meetings.

Chapter V: Final provisions

Article 13

This supplementary agreement extends and supplements the previous agreements. In the event of a conflict between its provisions and those of the other supplementary agreements to the Ouagadougou Political Agreement, the provisions of this agreement shall prevail.

Article 14

This supplementary agreement shall enter into force as soon as it has been signed by the Parties and the Facilitator.

Done at Ouagadougou on 22 December 2008

(*Signed*) Laurent **Gbagbo**
President of the Republic of Côte d'Ivoire

(*Signed*) Guillaume Kigbafori **Soro**
Secretary-General of the Forces nouvelles

(*Signed*) Blaise **Compaoré**
President of Burkina Faso
Facilitator of the direct dialogue

Annex II to the letter dated 30 December 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

[Original: French]
22 December 2008

Inter-Ivorian direct dialogue

Press release from the Facilitator's Office

Under the auspices of His Excellency Mr. Blaise Compaoré, President of Burkina Faso and Facilitator of the inter-Ivorian direct dialogue, the Parties to the Ouagadougou Political Agreement held meetings in Ouagadougou in September, October, November and December 2008 in order to discuss ways to expedite the implementation of certain provisions of the Ouagadougou Political Agreement of 4 March 2008 and the supplementary agreements thereto.

The discussions, all of which were held in a peaceful, cordial atmosphere of mutual respect and fraternal consideration, focused primarily on the identification and voter registration process, pending issues relating to the Defence and Security Forces, restoration of the authority of the State and redeployment of the administration throughout the national territory, and financing of the crisis recovery process.

Following the consultations, the two Parties concluded a fourth supplementary agreement to the Ouagadougou Political Agreement, the text of which was initialled today, 22 December 2008, at Ouagadougou.

The primary purpose of this supplementary agreement is to promote full implementation of the Ouagadougou Political Agreement and to create favourable conditions for the holding of free, transparent, fair and democratic elections in Côte d'Ivoire.

With regard to the identification and voter registration process, the fourth supplementary agreement calls on both Parties to work together with a view to the success of the identification exercise and to focus their efforts on the holding of elections.

With respect to the pending issues involving the Defence and Security Forces, the Parties have agreed to resolve definitively the demobilization problems related to the establishment of the new national army, the socio-economic reintegration of ex-combatants, the ranks of Forces nouvelles soldiers, and quotas for the incorporation of Forces nouvelles members into the new national army, in a constructive spirit and in the best interests of Côte d'Ivoire.

Concerning restoration of the authority of the State and redeployment of the administration throughout the national territory, the fourth supplementary agreement makes adjustments to the third supplementary agreement and sets new dates for redeploying the tax and customs administration and other public administrations in the Centre-North-West zone; implementing of the principle of a single exchequer; and ensuring the safety of the administration staff deployed.

The fourth supplementary agreement also reaffirms the primary responsibility of the Ivorian State for the financing of the crisis recovery process, while appealing to the international community to continue to provide financial support for implementation of the activities envisaged in the Ouagadougou Political Agreement.

The initialled text of this Agreement will soon be signed by the Parties, which are determined to bring about the reunification of the country, to promote national reconciliation and to create favourable conditions for the holding of free and democratic elections as a sign of the restoration of lasting peace in Côte d'Ivoire.